

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ADOLFO GUTIERREZ AVILA, JR.,

Case No. 22-CV-3180 (NEB/DLM)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

PAUL SCHNELL, VICKI JANSSEN,
JEANETTE WILSON, JESSICA OLSON,
and TINA SNEEN, being sued in their
individual capacities,

Defendants.

The Court has received the July 24, 2023 Report and Recommendation of United States Magistrate Judge Douglas L. Micko. (ECF No. 123.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 123) is ACCEPTED; and
2. Adolfo Gutierrez Avila, Jr.'s motion for class action certification (ECF No. 34) is DENIED WITHOUT PREJUDICE as premature.

Dated: August 30, 2023

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge